

87<sup>th</sup> Legislative Session – 2012

Committee: Senate Commerce and Energy

Tuesday, February 07, 2012

P - Present  
E - Excused  
A - Absent

Roll Call

P Adelstein  
P Buhl  
P Johnston  
P Lederman  
P Rave  
P Nygaard, Vice-Chair  
P Nelson (Tom), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by chair, Senator Tom Nelson.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 2<sup>ND</sup>

Moved by: Rave  
Second by: Nygaard  
Action: Prevailed by voice vote.

MOTION: CONFIRM APPOINTMENT OF DAVID S. PUMMEL OF BUTTE COUNTY, BELLE FOURCHE, SOUTH DAKOTA, TO THE HOUSING DEVELOPMENT AUTHORITY

Moved by: Nygaard  
Second by: Rave  
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Buhl, Johnston, Lederman, Rave, Nygaard, Nelson (Tom)

Excused: Adelstein

MOTION: PLACE ON CONSENT CALENDAR

Moved by: Nygaard  
Second by: Johnston  
Action: Prevailed by voice vote.

MOTION: CONFIRM APPOINTMENT OF ROBERT H. HARTFORD OF HUGHES COUNTY, PIERRE, SOUTH DAKOTA, TO THE SOUTH DAKOTA LOTTERY COMMISSION

Moved by: Rave  
Second by: Buhl  
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Buhl, Johnston, Lederman, Rave, Nygaard, Nelson (Tom)

Excused: Adelstein

MOTION: PLACE ON CONSENT CALENDAR

Moved by: Nygaard  
Second by: Johnston  
Action: Prevailed by voice vote.

MOTION: CONFIRM APPOINTMENT OF JAMES R. PETERSON OF DEUEL COUNTY, REVILLO, SOUTH DAKOTA, TO THE SOUTH DAKOTA LOTTERY COMMISSION

Moved by: Nygaard  
Second by: Rave  
Action: Prevailed by roll call vote. (5-0-2-0)

Voting Yes: Buhl, Johnston, Rave, Nygaard, Nelson (Tom)

Excused: Adelstein, Lederman

MOTION: PLACE ON CONSENT CALENDAR

Moved by: Nygaard  
Second by: Rave  
Action: Prevailed by voice vote.

**MOTION:** CONFIRM APPOINTMENT OF DOYLE D. ESTES OF PENNINGTON COUNTY, HILL CITY, SOUTH DAKOTA, TO THE SOUTH DAKOTA LOTTERY COMMISSION

Moved by: Nygaard  
Second by: Rave  
Action: Prevailed by roll call vote. (5-0-2-0)

Voting Yes: Buhl, Johnston, Rave, Nygaard, Nelson (Tom)

Excused: Adelstein, Lederman

**MOTION:** PLACE ON CONSENT CALENDAR

Moved by: Rave  
Second by: Johnston  
Action: Prevailed by voice vote.

SB 87: allow military spouses to receive unemployment compensation if they leave their jobs due to a spouse's military transfer.

Presented by: Senator Jeffrey Haverly (Handouts: #1)  
Proponents: Cathy Brechtelsbauer, Self, Sioux Falls  
David Owen, SD Chamber of Commerce and Industry

**MOTION:** DO PASS SB 87

Moved by: Rave  
Second by: Buhl  
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Buhl, Johnston, Lederman, Rave, Nygaard, Nelson (Tom)

Excused: Adelstein

SB 97: require the payment of a surface access fee for oil and gas exploration and production.

See previous testimony of Thursday, February 2<sup>nd</sup> Ryan Maher (Handout #2)

Proponents: Luke Temple, Dakota Rural Action  
Opponents: Steve Willard, American Petroleum Institute

Nathan Sanderson, Office of the Governor (Handouts: #3)  
Jarrod Johnson, Office of School and Public Lands

MOTION: DO PASS SB 97 AS AMENDED

Moved by: Adelstein  
Second by: Buhl  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER SB 97 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Johnston  
Second by: Lederman  
Action: Prevailed by roll call vote. (4-3-0-0)

Voting Yes: Johnston, Lederman, Rave, Nelson (Tom)

Voting No: Adelstein, Buhl, Nygaard

SB 145: prohibit rebates and regulate contracts for residential roofing goods and services.

See previous testimony of Thursday, February 2nd

Opponents: Tim Dougherty, Home Builders Association of the Sioux Empire

MOTION: AMEND SB 145

145ja

On page 1, line 8, of the printed bill, after "written" insert "storm damage repair".

On page 1, line 8, delete everything after "contract" and insert "to obtain or".

On page 1, line 12, after "the" insert "owner's".

On page 2, line 6, after "contract" insert ", subject to the payment of the reasonable documented restocking fee by the third party supplier of the roofing materials, and the payment of the agreed upon or reasonable cost of any emergency repairs already performed by the contractor".

Moved by: Nygaard

Second by: Buhl  
Action: Prevailed by voice vote.

MOTION: DO PASS SB 145 AS AMENDED

Moved by: Nygaard  
Second by: Buhl  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND SB 145

145jb

On page 1 of the printed bill, delete lines 4 to 7, inclusive.

Moved by: Lederman  
Second by: Rave  
Action: Failed by voice vote.

THE MOTION TO DO PASS SB 145 AS AMENDED

Moved by: Nygaard  
Second by: Buhl  
Action: PREVAILED BY ROLL CALL VOTE. (5-2-0-0)

Voting Yes: Adelstein, Buhl, Lederman, Nygaard, Nelson (Tom)

Voting No: Johnston, Rave

SB 112: remove the limitation on the number of retail gaming licenses in Deadwood in which a person may have a financial interest.

THE CHAIR DEFERRED SB 112 UNTIL THE WEDNESDAY MORNING 7:00 MEETING

SB 155: prohibit the employment of unauthorized aliens and to provide penalties therefor.

Presented by: Senator Craig Tieszen  
Proponents: Cindy Flakoll, Concerned Women For America

Opponents: Staci Eggert, SD Sheriff's Association  
Brenda Forman, SD Dairy Production  
Brenda Forman, SD Association of Cooperatives

MOTION: MOVE THE REMAINDER OF THE TODAYS BILLS TO TOMORROWS 7:00 AM MEETING.

Moved by: Rave  
Second by: Nygaard  
Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Buhl  
Second by: Nelson (Tom)  
Action: Prevailed by voice vote.

Lois Henry  
Committee Secretary

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Tom Nelson, Chair